

REMARKS

Claims 3, 4, 9-17 and 29-41 were previously canceled. Claims 1, 2 and 5-8 and 18-28 remain pending in the application.

The Applicants respectfully request that the Examiner initial and return a copy of the IDS filed on December 19, 2007.

The Applicants respectfully request that the Examiner reconsider earlier rejections in light of the following amendments and remarks. No new issues are raised nor is further search required as a result of the changes and remarks made herein. Entry of the Amendment is respectfully requested.

Claims 1, 2, 5-9, 18-24 and 26-28 over Wecker and Katz

In the Office Action, claims 1, 2, 5-9, 18-24 and 26-28 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over U.S. Patent No. 6,256,614 to Wecker et al. ("Wecker") in view of U.S. Patent No. 6,424,706 to Katz et al. ("Katz"). The Applicants respectfully traverse the rejections.

Claim 9 was previously canceled, mooted the rejection in that regard.

Claims 1, 2, 5-8, 18-24 and 26-28 recite, *inter alia*, credit that is created in a wireless service account **associated with a wireless communication device**, the credit stored in a wireless service account server, in response to active interaction with a given web site of a seller of goods or services offering wireless airtime units.

The Examiner alleges that "Wecker teaches that the rewarded phone minutes are credited to an associated telephone company existing customer account (see col 3, lines 60-67)." (see Office Action, page 9)

Wecker teaches:

It should be noted that the software guides the consumer through the process, encouraging truthful and complete responses. Responses are analyzed, a custom reward is built, and finally transmitted to the consumer's PC, Web-TV, Pager, or other electronic media. All PIN activity pertaining to adding free calling minutes to the card (in the improvement

invention) is transmitted to the telephone company via an FTP so that their computer records are automatically and electronically updated. In this manner, the phone cards are ready for immediate use by the recipient. (see *Wecker*, col. 3, line 60-col. 4, line 2)

Wecker teaches that additions to calling card minutes are transmitted to a telephone company to updated records for the calling card, allowing immediate use be a recipient. Credit that is created in a calling card account associated with the calling card is not credit that is created in a wireless service account associated with a wireless communication device, much less in response to active interaction with a given web site of a seller of goods or services offering wireless airtime units, as required by claims 1, 2, 5-8, 18-24 and 26-28.

Moreover, a prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. MPEP §2141.02, page 2100-127 (Rev. 2, May 2004) (citing *W.L. Gore & Assoc. v. Garlock, Inc.*, 220 USPQ 303 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984)). Contrary to the Examiner's allegation that Wecker teaches crediting of a customer account, Wecker teaches crediting of a card account. This is significant in that Wecker teaches crediting a generic account, with anyone accessing that generic account being able to take advantage of the credited calling minutes. This has advantages in some situations, but has the disadvantage of having to have a user enter calling card information every time a recipient wants to use the calling card. In contrast to Wecker's crediting of a generic account, Applicants' claims required crediting of a wireless service account associated with a wireless communication device. Crediting a wireless service account eliminates a user from having to enter calling card information to use credited minutes. Wecker's crediting of a generic account teaches away from tying of calling minutes to a communication device, and in particular the claimed wireless airtime units to a wireless service account associated with a wireless communication device.

Katz appears to teach a system for accessing a value associated with a pre-purchased amount of telecommunication-time for making telephone calls and for uses other than making telephone calls. (see Abstract) An input device allows a subscriber to purchase unit minutes, transfer the unit minutes to others (including non-subscribers) and redeem the unit minutes, and to use the unit minutes to purchase telephone minutes and redeem for goods and services. (see Katz, Abstract)

Katz appears to teach a system for redeeming telecommunication unit minutes for goods and services. However, those telecommunication unit minutes are not created in a wireless service account **associated with a wireless communication device**, the credit stored in a wireless service account server, in response to active interaction with a given web site of a seller of goods or services offering wireless airtime units, as required by claims 1, 2, 5-8, 18-24 and 26-28.

Wecker theoretically modified by Katz would, at best, result in crediting of a **card account** (Wecker) for redemption of goods or services (Katz). Wecker and Katz, either alone or in combination, fail to disclose, teach or suggest credit that is created in a wireless service account **associated with a wireless communication device**, the credit stored in a wireless service account server, in response to active interaction with a given web site of a seller of goods or services offering wireless airtime units, as required by claims 1, 2, 5-8, 18-24 and 26-28.

Accordingly, for at least all the above reasons, claims 1, 2, 5-8, 18-24 and 26-28 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claims 11 and 25 over Wecker, Katz, and Bistriceanu

In the Office Action, claims 11 and 25 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over Wecker and Katz, and in further view of U.S. Patent No. 7,240,022 to Bistriceanu et al. ("Bistriceanu"). The Applicants respectfully traverse the rejections.

Claim 11 was previously canceled, mooted the rejection in that regard.

Claims 25 is dependent on claim 21, and is allowable for at least the same reasons as claim 21.

Claim 25 recites, *inter alia*, credit that is created in a wireless service account **associated with a wireless communication device**, the credit stored in a wireless service account server, in response to active interaction with a given web site of a seller of goods or services offering wireless airtime units. As discussed above, Wecker and Katz, either alone or in combination, fail to disclose, teach or suggest such features.

Bistriceanu is relied on to allegedly teach awarding incentives to users for returning to a web site. (see Office Action, page 10) The incentives can be converted into products or services. (see Bistriceanu, Abstract) Converting incentives for returning to a web site into products or services fails to disclose, teach or suggest credit that is created in a wireless service account **associated with a wireless communication device**, the credit stored in a wireless service account server, in response to active interaction with a given web site of a seller of goods or services offering wireless airtime units, as recited by claim 25.

Wecker, Katz, and Bistriceanu, either alone or in combination, fail to disclose, teach or suggest credit that is created in a wireless service account **associated with a wireless communication device**, the credit stored in a wireless service account server, in response to active interaction with a given web site of a seller of goods or services offering wireless airtime units, as required by claim 25.

Accordingly, for at least all the above reasons, claim 25 is patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,



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